

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

106001-57344

First named inventor: Ismail I. Walele et al.

Application No.: 10/757,008

Art Unit: 1621

Filed: January 14, 2004

Examiner: Elvis O. Price

Title: Novel Esters of Monomethyl Branched Alcohols and Process for Preparing and Using Same in Cosmetics and Personal Care Products

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in  
the form of an Amendment (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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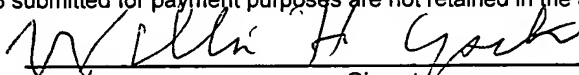
## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature

5/19/06

Date

William H. Epstein

Typed or printed name

20,008

Registration Number, if applicable

One Riverfront Plaza

Address

973-596-4607

Telephone Number

Newark, NJ 07102

Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: Declaration of William H. Epstein and Written Petition**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

Date

Signature

Typed or printed name of person signing certificate



PATENT  
106001-57344

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of:	:	
Ismail I. Walele et al.	:	Art Unit : 1621
Serial No. :	:	
10/757,008	:	
Filed :	:	Examiner : Elvis O. Price
January 14, 2004	:	
Title :	:	
NOVEL ESTERS OF MONOMETHYL	:	
BRANCHED ALCOHOLS AND PROCESS	:	
FOR PREPARING AND USING SAME	:	
IN COSMETICS AND PERSONAL CARE	:	
PRODUCTS	:	

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

***PETITION TO REVIVE ABANDONED APPLICATION UNDER 37 CFR 1.137(B)***

Applicants, through the undersigned attorney hereby petition under 37 CFR 1.137(b) to revive the captioned application from abandonment. This application became abandoned by failure to respond within the statutory period to the Office Action of September 20, 2005. The statutory period expired on March 20, 2006. In the Office Action of September 20, 2005 claims 1, 2, 4, 5, 7, 8, 10, 11, 13, 14, 16, 17, 19, 20, 22, 23, 25 and 26 were allowed and claims 3, 6, 9, 12, 15, 18, 21, 24, and 27 were rejected.

Accompanying this Petition are the following papers:

1. A reply to the Office Action of September 20, 2005 canceling all of the rejected claims and limiting the captioned application to the claims allowed in this Office Action.
2. The Petition fee as set forth in 37 CFR section (1.17(m)) for a small entity.
3. A Declaration by the undersigned attorney setting forth the facts which demonstrate that failure to file a timely response to the September 20 2005 Office Action and the delay from the time the application became abandoned until the filing of this Petition was unintentional.

No terminal disclaimer is required since the captioned application will result in a patent which will expired twenty years from its filing date of January 14, 2004, therefore the hiatus between the date of abandonment and it's revival will not affect in anyway the life of the patent which may issue on the captioned application.

As seen from the enclosed Reply to the Office Action of September 20, 2005, this Reply provides a complete response to this Office Action and replies to all of the issues raised in this Office Action. In the enclosed Reply, all of the claims which were rejected have been canceled and this application has been limited to only those claims which have been indicated in the Office Action of September 20, 2005 as being allowed.

As seen from the Declaration of the undersigned attorney the abandonment of the captioned application by failing to respond to the September 20, 2005 Office Action within the statutory period was completely unintentional. As seen from the facts presented in the enclosed Declaration of the undersigned attorney, the failure to file a timely Response and the delay from filing this timely response to this Office Action to the filing of this Petition was due to the fact that at the time the Office Action was

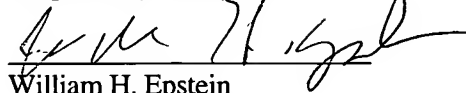
due, these files were in the process of being transferred from the former attorney Weingram & Associates to the undersigned attorney of record and the undersigned attorney did not receive this application and the Notification of Abandonment until the end of April, 2006. After receiving this information, the undersigned attorney inquired with respect to the assignee Fintex as to whether they wish to pursue this application and whether there was any intent in their part to abandon this application. Therefore, as seen from the foregoing the entire delay for filing this reply until the filing of this petition pursuant 37 CFR section 1.137 was purely unintentional.

***Correspondence and Fees***

A check in the amount of \$750.00 is enclosed for the fee required under 37 CFR section (1.17(m)) for a small entity. If any additional fees are required, authorization is hereby given to charge Deposit Account no. 03-3839 for any underpayment, or to credit any overpayments.

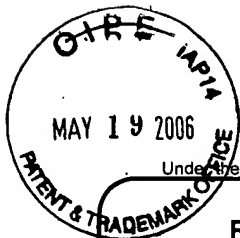
Please address all correspondence to the correspondent address for **Customer No. 26345 of Intellectual Docket Administrator, Gibbons, Del Deo, Dolan, Griffinger & Vecchione, One Riverfront Plaza, Newark, NJ 07102-5496**. Telephone calls should be made to William H. Epstein at (973) 596-4607 or (973) 596-4500.

Respectfully submitted,



William H. Epstein  
Attorney for Applicant  
Registration No. 20,008

Gibbons, Del Deo, Dolan,  
Griffinger & Vecchione, P.C.  
One Riverfront Plaza  
Newark, New Jersey 07102



**REVOCATION OF POWER OF  
ATTORNEY WITH  
NEW POWER OF ATTORNEY  
AND  
CHANGE OF CORRESPONDENCE ADDRESS**

Application Number	10/757,008
Filing Date	January 14, 2004
First Named Inventor	Ismail I. Walele
Art Unit	1621
Examiner Name	Elvis O. Price
Attorney Docket Number	106001-57344

**I hereby revoke all previous powers of attorney given in the above-identified application.**

☐ A Power of Attorney is submitted herewith.

**OR**

☒ I hereby appoint the practitioners associated with the Customer Number:

26345

☒ Please change the correspondence address for the above-identified application to:

☒ The address associated with  
Customer Number:

26345

**OR**

☐ Firm or  
Individual Name

Address

City

State

Zip

Country

Telephone

Email

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
*Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)*

**SIGNATURE of Applicant or Assignee of Record**

Signature

Name

Mr. Phillip Cotrell

Date

5/17/06

Telephone

732-321-3507

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Finetex, Inc.

Application No./Patent No.: 10/757,008 Filed/Issue Date: January 14, 2004

Entitled: Novel esters of monomethyl branched alcohols and process for preparing and using same in cosmetics and personal care

Finetex, Inc., a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or  
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 014975, Frame 0099, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

MAY 17 2006  
Date

PHILIP A. MATENA  
Typed or printed name  
[Signature]  
Signature  
PRESIDENT  
Title



PATENT  
106001-57344

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of: :  
Ismail I. Walele et al. : Art Unit : 1621  
Serial No. : 10/757,008 :  
Filed : January 14, 2004 : Examiner : Elvis O. Price  
Title : NOVEL ESTERS OF MONOMETHYL :  
BRANCHED ALCOHOLS AND PROCESS: :  
FOR PREPARING AND USING SAME :  
IN COSMETICS AND PERSONAL CARE :  
PRODUCTS :

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

DECLARATION OF WILLIAM H. EPSTEIN

I, William H. Epstein, a citizen of the United States, declare that:

I am a registered patent attorney whose registered number is 20,008;

The captioned application has been assigned to Finetex, Inc. of Elwood Park,  
New Jersey and was previously prosecuted by Weingram & Associates P.C. a firm  
headed by Edward Weingram;

I am presently responsible for the prosecution of the captioned application;

This Declaration is being submitted to present the facts to demonstrate that the  
failure to respond to the Office Action of September 20, 2005 causing this application to



become abandoned and the entire delay in filing such a response on the due date until the filing of this Petition was unintentional;

This application was transferred to me by Weingram & Associates on or about April 27, 2006;

In a letter e-mailed to me on or about April 27, 2006, Edward Weingram informed me of a Notice of Abandonment from the U.S. Patent and Trademark Office dated April 5, 2006 with respect to the captioned application;

That this Notice of Abandonment was based upon a failure to respond to the Office Action of September 20, 2005, which response had a statutory deadline of March 20, 2006;

The e-mail letter of April 27, 2006 from Mr. Weingram was the first notice that the undersigned attorney received that the captioned application had become abandoned;

Until receiving the files from Edward Weingram on or about April 27, 2006, the undersigned attorney had no knowledge of the captioned application much less that it was abandoned for failure to respond to the outstanding Office Action of September 20, 2005;

On or about February 2005 Edward Weingram was notified that the Finetex patent applications were to be prosecuted by the other attorneys and that the files should be transferred;

From the date notification until approximately April 15, 2006, the Finetex files were being collected, packaged and stored for delivery by Weingram & Associates to the undersigned attorney;

Weingram & Associates were not aware of the abandonment of the captioned application until they received the Notice of Abandonment on April 7, 2006 in preparation for the transfer of the Finetex files to the undersigned attorney;

One of the inventors to whom correspondence in this application were sent, Ismail Walele, was no longer employed at Finetex at the time the Office Action of September 20, 2005 was received by Weingram & Associates on September 20, 2005;

Upon receiving the files of the captioned application on or about April 27, 2006, the undersigned attorney notified the assignee Finetex, Inc. that this application had become abandoned by failure to respond the Office Action of September 20, 2005;


The assignee, Finetex, Inc., on request from the undersigned attorney carried out a search to determine if they had received the Office Action of September 20, 2005;

Finetex, Inc. during early May, 2006 informed the undersigned attorney that they had no record of receiving the Office Action of September 20, 2005 before the undersigned attorney sent this Office Action to them;

Upon reviewing this Office Action, during early May, 2006, Finetex, Inc., informed the undersigned attorney that they did not wish to abandoned this application and wished to obtain a patent on the claims that were allowed in this Office Action;

Finetex, Inc. also informed the undersigned attorney that had they known of this Office Action at an appropriate time that they would have requested further prosecution in order to obtain the claims that were allowed in this Office Action;

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that all statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

  
\_\_\_\_\_  
William H. Epstein

Date: 5/11/06